



## Staff Report

HEARING DATE: October 4, 2017

STAFF REPORT DATE: September 27, 2017

TO: Planning Commission

FROM: Steve Regner, Associate Planner <sup>SR</sup>

PROPOSAL: **Cedar Hills Crossing Phases 2 & 3 Building 19 Modifications  
DR2017-0065 / DR2017-0066 / LO2017-0001**

LOCATION: The site is South of SW Jenkins Road, West of SW Cedar Hills Boulevard. Tax Lot 200, on Washington County Tax Assessor's Map 1S109.

SUMMARY: The applicant, Center Developments, requests a Modification of a Decision for a previously approved Design Review Three application (DR2015-0127 Cedar Hills Crossing), to modify multiple conditions of approval related to Building 19 and pedestrian pathways. Additionally, the applicant requests a Modification of a Decision for a previously approved Loading Determination application (LO2016-0001 Cedar Hills Crossing), to modify multiple conditions of approval related to on-site loading berths. Additionally, the applicant request Design Review Two approval for the revised design to Building 19.

APPLICANT: Center Developments Oreg II, LLC  
Seth GaRey  
1701 SE Columbia River Drive  
Vancouver, WA 98661

APPLICANT'S  
REPRESENTATIVE: DOWL  
Mike Towle  
720 SW Washington St, Suite 750  
Portland, OR 97205

PROPERTY  
OWNERS: Bernard Properties LLC  
Joan Pratt  
1701 SE Columbia River Drive  
Vancouver, WA 98661

RECOMMENDATION: **APPROVAL of DR2017-0065 / DR2017-0066 / LO2017-0001  
(Cedar Hills Crossing Phases 2 & 3 Bldg 19 Mods)**



## BACKGROUND FACTS

### Key Application Dates

Application	Submittal Date	Application Deemed Complete	Final Written Decision Date	240-Day*
DR2017-0065	June 14, 2017	August 10, 2017	December 8, 2017	April 7, 2017
DR2017-0066	June 14, 2017	August 10, 2017	December 8, 2017	April 7, 2017
LO2017-0001	June 14, 2017	August 10, 2017	December 8, 2017	April 7, 2017

\* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

### Existing Conditions Table

<b>Zoning</b>	Community Service (CS)	
<b>Current Development</b>	Commercial Development	
<b>Site Size &amp; Location</b>	The site is bounded by SW Jenkins Road to the north and SW Cedar Hills Boulevard to the east. The site is approximately 36.48 acres.	
<b>NAC</b>	Central Beaverton	
<b>Surrounding Uses</b>	<b>Zoning:</b> <u>North:</u> CS <u>South:</u> GC <u>East:</u> CS <u>West:</u> CS	<b>Uses:</b> <u>North:</u> Commercial <u>South:</u> Commercial <u>East:</u> Commercial <u>West:</u> Commercial

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### Exhibits

#### **Exhibit 1. Materials submitted by Staff**

- Exhibit 1.1: Vicinity Map (page SR-4 of this report)
- Exhibit 1.2: Aerial Map (page SR-5 of this report)

#### **Exhibit 2. Public Comment**

No Comments Received

#### **Exhibit 3. Materials submitted by the Applicant**

- Exhibit 3.1: Submittal Package including plans



**Cedar Hills Crossing Phases 2 & 3 Building 19 Modifications  
DR2017-0065 / DR2017-0066 / LO2017-0001  
Vicinity & Zoning Map**





**Cedar Hills Crossing Phases 2 & 3 Building 19 Modifications  
DR2017-0065 / DR2017-0066 / LO2017-0001  
Aerial Map**

**FACILITIES REVIEW COMMITTEE  
TECHNICAL REVIEW AND RECOMMENDATIONS  
CEDAR HILLS CROSSING PHASES 2 & 3 BUILDING 19 MODS  
DR2017-0065 DR2017-0066 LO2017-0001**

**Section 40.03 Facilities Review Committee:**

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in different order.

The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

**The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the submitted applications as identified below:**

- **All twelve (12) criteria are applicable to the submitted Design Review Three Modification and Design Review Two applications as submitted.**
- **Facilities Review criteria do not apply to the Loading Determination application.**

***A. All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.***

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection. The Committee finds that the proposal includes necessary on-site and off-site connections and improvements to public water and public sanitary sewer facilities. The applicant has provided a Service Provider Letter (SPL) from Clean Water Services that shows compliance with stormwater requirements.

The development proposes to connect to the existing water line in SW Jenkins Road. Adequate water service capacity exists to serve the site.

Sanitary sewer service is provided by the City of Beaverton. The development proposes to connect to the existing sanitary line on-site, which connects to a sanitary sewer line in SW Jenkins Road. Adequate capacity exists to serve the proposed development.

Proposed stormwater drainage is shown in the applicant's plans. The applicant proposes to use Stormtech Chambers in catch basins as underground detention, and will connect to existing storm pipes on site and in SW Jenkins Road. The applicant has provided a Clean Water Services Service Provider Letter (SPL) to show compliance with CWS

standards. As such the applicant has shown that adequate stormwater facilities exist to serve the site.

The 2015 approvals included right-of-way (ROW) improvements designed to mitigate the impacts of the traffic to be generated by the new buildings of phases 2 and 3 (buildings 16, 17, 18, and 19). With the proposed reduction in size of building 19, from 43,858 square feet to 6,000 square feet, the previously approved traffic mitigation measures will continue to appropriately accommodate the expected traffic from the development. For the 2015 applications, the applicant provided a Traffic Impact Analysis (TIA) that reviewed the expected trip generation. With the proposed reduction in size for Building 19, there will be a minor reduction in the trips generated by the development, and therefore no additional traffic analysis is required. However, it is also important to note that the applicant will continue to install all of the previously required traffic mitigation measures under the prior approval. Therefore, the expected traffic mitigation will be at least as effective as originally approved.

Fire protection will be provided to the site by Tualatin Valley Fire and Rescue Department (TVF&R). Comments have been received from TVF&R. No additional conditions of approval were deemed to be necessary, as original conditions of approval from casefiles are still in effect. Staff also cites the findings for Criterion H hereto regarding fire prevention.

The Committee finds that the applicant has provided sufficient evidence that critical facilities exist or can be made to exist to serve the site.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

***B. Essential facilities and services are available, or can be made available, with adequate capacity to serve the development prior to occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both will be provided to serve the proposed development within five years of occupancy.***

Chapter 90 of the Development Code defines “essential facilities” to be services that include schools, transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way. The applicant’s plans and materials were forwarded to City Transportation staff.

The site will be served by the Tualatin Hills Park and Recreation (THPRD). The proposed development will be required to pay any assessed SDC fees for parks with building permit issuance. Nearby parks include Cedar Hill Park and Center Street Park.

The City of Beaverton Police currently serve the site and will continue to serve the proposed development.

The essential transportation facilities required for and approved with the 2015 approvals have been or are currently being installed. Surrounding the revised Building 19, the



applicant proposes an additional walkway along the west side of the building. All sides of the new building will have walkways or sidewalks, and will be designed to meet or exceed the applicable minimum width standards. Because of the Design Review Standard which requires primary building entrances to be oriented toward the street, staff find that the proposed door and walkway connecting the north side of the proposed Building 19 to SW Jenkins Road should be wider and offer pedestrians a more direct pathway. Therefore, as a condition of approval, the north entrance shall be a double door, and the walkway connecting the building to SW Jenkins Road shall be at least 10 feet wide, and as direct as possible.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

***C. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject proposal.***

Staff cites the Code Conformance Analysis chart on page FR-8 of this report, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the Community Service (CS) zone as applicable to the above mentioned criteria.

**Therefore, the Committee finds that the proposal meets the criterion.**

***D. The proposed development is consistent with all applicable provisions of Chapter 60 (Special Regulations) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Regulations), are provided or can be provided in rough proportion to the identified impact(s) of the proposal.***

The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60, in response to the above mentioned criteria.

**SECTION 60.05.20 CIRCULATION AND PARKING DESIGN STANDARDS**

Section 60.05.20.03 requires reasonably direct pedestrian walkways into the site, at a spacing of at least one for every 300 feet of site frontage. The portion of site under review for revision is approximately 400 feet long and three pedestrian walkways into the site. The greatest distance between walkways is 290 feet. According to the applicant, the proposal complies with the applicable Design Standards. Staff has reviewed the proposal for conformance with the Design Standards, analysis of which is located in Attachment C of this report. Consistent with the City's Technical Lighting Standards, the applicant's plans show all pedestrian walkways are lighted to at least 0.5 foot-candles to comply with.

**SECTION 60.25 OFF-STREET LOADING**

The applicant's original plans for the site, available for review under casefile DR2015-0127 and LO2016-0002, requested and received approval for one loading berth where

the code requires three. The single loading berth was to be located on the west edge of Building 19, which is now under review for modification and redesign through the current Design Review applications. The revised design eliminates all loading berths on site, and reduces the square footage of the original project to a threshold requiring only two loading berths. The applicant has applied for a Loading Determination to address this deficiency. Analysis for this request will be part of the forthcoming staff report.

#### SECTION 60.30 OFF-STREET PARKING

Off-street parking for the subject property has proven to be very complex. Consistent with the Development Code's definition of site, the Cedar Hills Crossing Shopping Center and the movie theater properties are under common ownership and therefore considered to be a single site for parking purposes. The most recent land use approval recognized 2650 proposed parking spaces. The applicant's revised design shows a reduction in spaces, resulting in 2,568 total spaces. The total proposed parking is consistent with the minimum and maximum parking required for the entire site. All of the proposed two-way drive aisles are shown to be at least 24 feet wide, consistent with code requirements. All parking spaces are shown to meet the minimum dimensions of 8.5 feet wide and 18.5 feet deep.

#### SECTION 60.55.10 GENERAL PROVISIONS

All of the transportation facilities related to the proposal have been designed in accordance with the Engineering Design Manual and Standard Drawings.

Consistent with original approvals under casefile DR2015-0127, all SW Walker Road and SW Jenkins Road right-of-way shall be dedicated prior to building permit issuance, as a Condition of Approval.

#### SECTION 60.55.20 TRAFFIC IMPACT ANALYSIS

The applicant submitted a Traffic Impact Analysis (TIA) with a previous land use request, found under casefiles DR2015-0127 and LO2016-0001. A new trip generation memo was submitted with the current modification request, detailing changes to projected trip generation based on the revised plans. The revision of building 19 from 43,858 square foot to 6,000 square feet will result in a reduction of 1,067 daily trips. Conditions of approval requiring ROW dedication and improvements under the previous approval remain in effect. By continuing to provide mitigation for the previous traffic load and by reducing that traffic load, the effectiveness of the traffic mitigation will increase, albeit to an unquantified degree. Therefore, the revised plans show that the effects of the expected traffic will be continue to be mitigated to meet the applicable mobility and performance standards.

#### SECTION 60.55.25 STREET AND BICYCLE AND PEDESTRIAN CONNECTION REQUIREMENTS

Please see the response to criterion B above which addresses pedestrian access to the northern building entrance.

#### SECTIONS 60.55.30 AND .35 MINIMUM STREET WIDTH AND ACCESS STANDARDS

Please see the response to criteria A and B above.

#### 60.65 UTILITY UNDERGROUNDING

Under the original land use approval for this site, DR0215-0127, the undergrounding of

utility lines were a condition of approval. This condition remains in effect. The applicant does not propose any new above ground utilities, or request to leave any above ground utilities in a place. All utilities associated with this development will be located underground, consistent with Section 60.65.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

***E. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities not subject to maintenance by the City or other public agency.***

The applicant's narrative states that all private common facilities are strategically located and easily accessible allowing for adequate and normal operation and maintenance. Staff finds the proposal as represented does not present any barriers, constraints, or design elements that would prevent or preclude required maintenance of the private infrastructure and facilities on site.

**Therefore, the Committee finds that the proposal meets the criterion.**

***F. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.***

The on-site circulation system connects pedestrian walkways to sidewalks on SW Jenkins Road and SW Cedar Hills Blvd. Due to the proximity of the buildings to the right of way, pedestrians entering the site from the right of way are not required to cross more than one vehicle access drive to reach all proposed buildings. Additionally, staff cite the findings in criteria B and D above as relevant to criterion F.

**Therefore, the Committee finds that the proposal meets the criterion.**

***G. The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.***

Staff cite the findings in criteria B and D above as relevant to criterion G.

The revised design for building 19 shows a public entrance on the building elevation facing SW Jenkins Road, connected by a five foot walkway. As noted in criterion D, three pedestrian walkways are provided to connect SW Jenkins Road to the interior of the site.

**Therefore, the Committee finds that the proposal meets the criterion.**

***H. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.***

Fire protection will be provided to the site by Tualatin Valley Fire & Rescue Department. Tualatin Valley Fire & Rescue reviewed the proposal. The proposal will need to show compliance with TVF&R standards prior to approval of revised site development plans and issuance of building permits.

**Therefore, staff finds that the proposal meets the criterion for approval, subject to conditions of approval.**

***I. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection from hazardous conditions due to inadequate, substandard or ill-designed development.***

The Committee finds that review of the construction documents at the building and site development permit stages will ensure protection from hazardous conditions due to inadequate, substandard or ill-designed development. The applicant has provided a photometric plan demonstrating that all proposed sidewalks and walkways will be adequately lighted to meet the minimum applicable Design Standards.. The walkways and drive aisles have been designed to meet the applicable Engineering Design Standards.

**Therefore, the Committee finds that the proposal meets the criterion.**

***J. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.***

The applicant states that the proposed grading of the site is designed to accommodate the building, building pad, and associated improvements. The development will direct stormwater to a regional vault for treatment and detention.

The applicant must show compliance with Site Development erosion control measures at the time of Site Development permit issuance.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

***K. Access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes.***

The applicant will be required to meet all applicable accessibility standards of the International Building Code, Fire Code and other standards as required by the Americans with Disabilities Act (ADA). Conformance with the technical design standards for accessibility requirements are to be shown on the approved construction plans associated with Site Development and Building Permit approvals. The Committee finds that as proposed, the street sidewalks and walkways internal to the development appear to meet applicable accessibility requirements and through the site development and building permitting reviews will be thoroughly evaluated. Therefore, the Committee finds that by meeting the conditions of approval, the site will be in conformance with ADA requirements, and would thereby be in conformance with Development Code Section 60.55.65 and the criterion will be met.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion for approval.**

***L. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.***

The applicant submitted the applications on June 14, 2017 and the application was deemed complete on August 10, 2017. In the review of the materials, the Committee finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

**Therefore, the Committee finds the proposal meets the criterion for approval.**

# Code Conformance Analysis

## Chapter 20 Use and Site Development Requirements

### Community Service (CS) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 20.10.20 (Community Service)</b>			
Use- Permitted	Financial Institution	Financial Institution	Yes
<b>Development Code Section 20.10.15 (Community Service)</b>			
Minimum Lot Area	7,000 square feet	1,589,069 square feet	Yes
Minimum Corner Lot Dimensions Width Depth	70' 100'	Approximately 725 ft. wide by 2,220 ft. long	Yes
Minimum Yard Setbacks Front Side Rear	*governed by Chapter 60 none none	Setbacks along parcels greater than 60,000 square feet are governed by Chapter 60 and will be reviewed with the Design Review application.	See DR staff report, Attachment C
Maximum Building Height	60' 35' within 100' of residentially zoned property	The proposed building height of Building 19 is 23 feet. The proposed buildings are not within 100 feet of residential zones.	Yes
<b>Development Code Section 20.25.05 – Floor Area Ratio</b>			
Floor Area Ratio	N/A	N/A	N/A



## Chapter 60 Special Requirement

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 60.05</b>			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	Construction of new commercial buildings, roof top parking, and associated site improvements.	Refer to DR findings in Attachment C
<b>Development Code Section 60.10</b>			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	The overall site contains floodplains, however the area of development approximately 1,500 feet from the 1,000 year flood plain boundary.	N/A
<b>Development Code Section 60.12</b>			
Habitat Friendly and Low Impact Development Practices	Optional program offering various credits available for use of specific Habitat Friendly or Low Impact Development techniques.	No Habitat Friendly or Low Impact Development credits requested.	N/A
<b>Development Code Section 60.30</b>			
Off-street motor vehicle parking	Minimum: 2,437 (entire site) Maximum: 3,670 (entire site)	The applicant proposes to provide 2,568 parking spaces, more than the minimum and less than the maximum.	Yes
Required Bicycle Parking	8 Short Term Spaces (Redevelopment site) 8 Long Term Spaces (Redevelopment site)	The applicant proposes to provide the required bike parking for the. Staff recommends a condition of approval to ensure adequate bike parking.	Yes
<b>Development Code Section 60.55</b>			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Proposed facilities are in conformance.	Yes
<b>Development Code Section 60.60</b>			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	Removal of landscape trees.	Refer to DR findings in Attachment C
<b>Development Code Section 60.65</b>			
Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground.	No overhead utilities exist along the subject site frontage of SW Jenkins Road	Yes

**DR2017-0065  
ANALYSIS AND FINDINGS FOR  
MODIFICATION OF DECISION FOR A  
DESIGN REVIEW THREE APPROVAL**

**Planning Commission Standards for Approval:**

Section 50.95.6 of the Development Code provides standards to govern the decisions of the Commission as they evaluate and render decisions on Modification of a Decision requests. The Commission will determine whether the application as presented, meets the Modification of a Decision approval criteria. The Commission may choose to adopt, not adopt or modify the Committee's findings. In this portion of the report, staff evaluates the application in accordance with the criteria for Modification of a Decision.

**Section 50.95 Procedures and Approval Criteria**

1. ***An applicant or successor in interest may file with the Director an application to modify a prior decision that was the subject of a Type 1, Type 2 or Type 3 procedure. In addition to other requirements, such an application to modify a prior decision shall describe the nature of the proposed change to the original decision and the basis for that change, including the applicable facts and law, together with the fee prescribed for that application type necessary to modify the prior decision. Such an application to modify a prior decision shall be subject to the approval criteria and development regulations in effect when the Director receives a complete application for the modification.***

The applicant is requesting to remove or modify several conditions of approval for approved Design Review Three application DR2015-0127, all related to Building 19. Due to shifting market conditions, the applicant wishes to reduce the size of Building 19 from 43,858 square feet to approximately 6,000 square feet. The remainder of the building footprint is proposed to be left as a gravel building pad for future development. The redesign of building 19 makes the implementation of the below conditions impossible or impractical. A full analysis of each condition modification can be found under Section 50.95.6 of this report, beginning on page DR1-3. The applicant has applied for a new Design Review Two application requesting approval of the revised Building 19 design. Analysis of this request can be found under Attachment C.

The conditions of approval requested for removal or modification are listed below. Language requested for removal is identified by strikethrough.

COA 26. FIRE HYDRANTS – COMMERCIAL BUILDINGS: Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided. (OFC 507.5.1) The number and distribution of fire hydrants required for commercial structure(s) is based on Table C105.1, following any fire-flow reductions allowed by section B105.3.1. Additional fire hydrants may be

required due to spacing and/or section 507.5 of the Oregon Fire Code. Coverage appears to be lacking at the SW corner of building # 19.

COA 42. ~~Provide a plan showing the western pedestrian access connecting across the drive aisle to Building 19 and the existing shopping center building. Pedestrian connections shall be concrete and a minimum of 5 feet in width.~~

COA 44. ~~Submit a plan showing all lights on the parking deck of the roof of Building 19 set back no less than 18.5 feet from the external walls of the building.~~

COA 45. ~~Submit a plan showing a minimum 12 foot wide walkway along the drive aisle to the east of Building 19.~~

COA 49. Provide proof of mural approval by the Beaverton Arts Commission for all proposed murals. If approval is not provided for murals on the spaces identified on plan sheets 17-A-9001 and 19-A-9004, an area of differentiated materials, which are not brick, must be provided.

Therefore, staff finds that the criterion is met.

2. ***An application for modification is subject to pre-application conference and completeness review; provided, the Director shall only require an application for modification to contain information that is relevant or necessary to address the requested change or the facts and regulations on which it is based. An application for modification is not subject to the neighborhood review meeting requirement.***

The applicant participated in a pre-application conference on April 28, 2017.

Therefore, staff finds that the criterion is met.

3. ***An application for modification does not extend the deadline for filing an appeal and does not stay appeal proceedings. An application for modification is subject to the 120 day requirement pursuant to ORS 227.178.***

The approved Design Review Three under modification review has exceeded the ten day appeal period, and the decision is final. No appeal deadline extension is requested. The application for modification was deemed complete on August 10, 2017, and the 120 day requirement requires a final written decision of December 8, 2017.

Therefore, staff finds that the criterion is met.

4. ***Only a decision that approves or conditionally approves an application can be modified. A decision denying an application cannot be modified. Refer to Section 50.99.***

The applicant is requesting to modify a conditionally approved Design Review Three application.

**Therefore, staff finds that the criterion is met.**

5. ***An application for modification shall be subject to a Type 1, Type 2, or Type 3 procedure as determined by the Director.***

The original Design Review approval was subject to a Type 3 process. The Director has determined that the modification of this decision shall go through the same Type 3 process.

**Therefore, staff finds that the criterion is met.**

6. ***The process type for an application to modify a decision shall be based upon the thresholds for the appropriate application listed in Chapter 40. In all cases, regardless of the thresholds listed in Chapter 40, when a proposed modification involves a condition of approval, that condition of approval can be modified or removed only by the same decision making authority that issued the original decision and through the same procedure that was followed to establish the condition to be modified. Modification or removal of a condition of approval shall only be granted if the decision making authority determines any one of the following:***

***A. The applicant or owner has demonstrated that a mistake of law or fact occurred, and that the mistake was substantial enough to warrant modification or removal of the condition to correct the mistake.***

The applicant does not contend that a mistake of law or fact occurred.

**Therefore, staff finds the criterion is not applicable.**

***B. The condition could not be implemented for reasons beyond the control of the applicant and the modification will not require a significant modification of the original decision.***

The applicant does not contend that the conditions requested for removal could not be implemented for reasons beyond the control of the applicant.

**Therefore, staff finds the criterion is not applicable.**

***C. The circumstances have changed to the extent that the condition is no longer needed or warranted.***

As discussed above, market conditions have led the applicant to decide to reduce the size of Building 19. The reduction and redesign of the Building results in some conditions of approval becoming impractical or impossible to implement. In this section, staff will outline each condition under request for modification and provide analysis.

*COA 26. FIRE HYDRANTS – COMMERCIAL BUILDINGS: Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided. (OFC 507.5.1) The number and distribution of fire hydrants required for commercial structure(s) is based on Table C105.1, following any fire-flow reductions allowed by section B105.3.1. Additional fire hydrants may be required due to spacing and/or section 507.5 of the Oregon Fire Code. ~~Coverage appears to be lacking at the SW corner of building # 19.~~*

The above condition is predominantly a standard condition of approval, which functions as a reminder to the applicant that further fire code review will occur during Site Development and Building permit reviews. The sentence under consideration for removal references a possible lack of fire hydrant coverage for Building 19 based on the previously approved design. The revised design of Building 19 is much smaller, and now provides no coverage issues for Tualatin Valley Fire and Rescue. As such, this condition of approval is no longer needed, and can safely be modified as requested.

*COA 42. ~~Provide a plan showing the western pedestrian access connecting across the drive aisle to Building 19 and the existing shopping center building. Pedestrian connections shall be concrete and a minimum of 5 feet in width.~~*

The above condition required an additional pedestrian connection connecting the pedestrian walkway along the western boundary to the pathway on the south side of building 19. The conditioned pathway would have been approximately 60 feet with a pedestrian island between two vehicle drive aisles, with the closest storefront entrance approximately 90 from the western pathway. With the significant reduction in building size, the new connecting pathway would need to be approximately 300 feet, with the closest entrance approximately 360 feet from the western boundary. The southern sidewalk on SW Jenkins Road provides a parallel and comparable pedestrian experience.

Future development of the remaining gravel pad will likely warrant a pedestrian connection similar to what the subject condition requires. Staff will analyze the need for an additional connection through future development applications. As such, this condition of approval is no longer needed, and can be removed as requested.

~~COA 44. Submit a plan showing all lights on the parking deck of the roof of Building 19 set back no less than 18.5 feet from the external walls of the building.~~

The above condition refers specifically to the rooftop parking of Building 19. The revised Building 19 design removes the rooftop parking design element. As such, this condition of approval is no longer needed, and can be removed as requested.

***D. A new or modified condition would better accomplish the purpose of the original condition.***

~~COA 49. Provide proof of mural approval by the Beaverton Arts Commission for all proposed murals. If approval is not provided for murals on the spaces identified on plan sheets 17-A-9001 and 19-A-9001, an area of differentiated materials, which are not brick, must be provided.~~

The above condition refers to murals on several buildings proposed to satisfy building articulation requirements. Sheets 17-A-9001 and 19-A-9001 contained elevation drawings demonstrating the location of the murals on Buildings 17 and 19 respectively. Building 17 is under construction as proposed. The design of Building 19 has been revised, and if approved, will no longer be consistent with the design on sheet 19-A-9001. Consistency with applicable design review standards is analyzed in Attachment C of this report. A new mural location is proposed for Building 19. A similar condition of approval is proposed for Building 19 for Design Review Two, casefile DR2017-0066 (see COA 7). As such, this condition of approval is no longer needed, and can safely be modified as requested.

**Recommendation**

Based on the facts and findings presented, staff recommend **APPROVAL** of **DR2017-0065 (Cedar Hills Crossing Phases 2 & 3 Bldg 19 Mods)**, subject to the applicable conditions identified in Attachment E



**DR2017-0066  
ANALYSIS AND FINDINGS FOR  
DESIGN REVIEW TWO APPROVAL**

**Planning Commission Standards for Approval:**

Section 40.20.15.2.C of the Development Code provides standards to govern the decisions of the Commission as they evaluate and render decisions on Design Review Applications. The Commission will determine whether the application as presented, meets the Design Review Two approval criteria. The Commission may choose to adopt, not adopt or modify the Committee's findings. In this portion of the report, staff evaluates the application in accordance with the criteria for Type Two Design Review.

**Section 40.03.1 Facilities Review Approval Criteria:**

*The applicant for development must establish that the application complies with all relevant standards in conformance with Section 50.25.1.B and all the following criteria have been met:*

**Facilities Review Approval Criteria Section 40.03.1.A-L**

Staff has reviewed the applicable Facilities Review criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, the proposal meets Criteria A-L, and therefore meets the criterion for approval.

**Therefore, the Committee finds that the proposal meets the criteria.**

**Section 40.20.15.2.C Approval Criteria:**

In order to approve a Design Review Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- 1. *The proposal satisfies the threshold requirements for a Design Review Two application.***

The applicant proposes constructing a new 6,000 square foot drive retail building, gravel building pad, and limited adjacent landscaping and pedestrian paths.

- 1. New construction of up to and including 50,000 gross square feet of non-residential floor area where the development does not abut any Residential District.*

**Therefore, staff finds that the criterion is met.**

- 2. *All City application fees related to the application under consideration by the decision making authority have been submitted.***

The applicant paid the required fees for a Design Review Two application.

**Therefore, staff finds that the criterion is met.**

- 3. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.***

The applicant has submitted all application completeness items identified in Section 50.25.1.

**Therefore, staff finds the criterion is met.**

- 4. *The proposal is consistent with all applicable provisions of Sections 60.05.15. through 60.05.30. (Design Standards).***

The Design Standards are addressed in the tables, found on pages DR2-4 through DR2-9. As noted in the tables, the proposal with limited conditions does satisfy all of the applicable provisions of Sections 60.05.15 through 60.05.30.

**Therefore, by meeting the conditions of approval, staff finds the criterion is met.**

- 5. *For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) or can demonstrate that the proposed additions or modifications are moving towards compliance with specific Design Standards if any of the following conditions exist:***

- a. A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable standard; or***
- b. The location of existing structural improvements prevent the full implementation of the applicable standard; or***
- c. The location of the existing structure to be modified is more than 300 feet from a public street.***

The applicant proposes modifications to an existing Design Review Three approval (DR2015-0127). Consistency with Sections 60.05.15 through 60.05.30 is demonstrated in the Design Standards tables on pages DR2-4 through DR2-9. As noted in the tables, the proposal with limited conditions does satisfy all of the applicable provisions of Sections 60.05.15 through 60.05.30.

**Therefore, by meeting the conditions of approval, staff finds the criterion is**

**met.**

- 6. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

The applicant submitted the application for a Design Review Two on June 24, 2017 and was deemed complete on August 10, 2017. A Modification of a Design Review Three Approval application and a Modification of a Loading Determination Approval application are being processed concurrently with the subject request for Design Review Two approval.

**Therefore, staff finds the criterion is met.**

## DESIGN REVIEW STANDARDS ANALYSIS

### Section 60.05.15 Building Design and Orientation

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Building Articulation and Variety</b>		
<b>60.05.15.1.A</b> Max length of attached residential buildings	Commercial Building Proposed	N/A
<b>60.05.15.1.B.2</b> Min 50% articulation where glazing is under 35%	<p><b>North Elevation:</b> Contains large storefronts, brick pilasters, and white extruded metal panels. Glazing comprises approximately 65.5% of the ground floor elevation, consistent with 60.05.15.8.A.3.</p> <p><b>South Elevation:</b> Contains primary entrance framed by brick pilasters. Glazing comprises approximately 100% of the ground floor elevation, consistent with 60.05.15.8.A.3.</p>	YES
<b>60.05.15.1.C</b> Max 40' between architectural features	Architectural features, including windows, doors do not exceed 40' in spacing	YES
<b>60.05.15.1.D</b> Max 150 sq. ft. undifferentiated blank walls facing streets for residential uses	Commercial Building Proposed	N/A
<b>Roof Forms</b>		
<b>60.05.15.2.A</b> Min roof pitch = 4:12	A flat roof is proposed	N/A
<b>60.05.15.2.B</b> Min roof eave = 12"	A flat roof is proposed	N/A
<b>60.05.15.2.C</b> Flat roofs need parapets	Parapet walls are a minimum 3'6"	YES
<b>60.05.15.2.D</b> New structures in existing development be similar	Flat roof with parapets consistent with roof form of previously approved Building 19. Other buildings approved under casefile DR2015-0127 utilize flat roofs with parapet walls.	N/A
<b>60.05.15.2.E</b> 4:12 roof standard is N/A to smaller feature roofs	No feature roofs are proposed.	N/A
<b>Primary Building Entrances</b>		
<b>60.05.15.3</b> Weather protection for primary entrance	Primary building entrances are located on the north and south sides of the building. Both primary entrances contain canopies larger than the minimum four feet deep and six feet wide. The north canopy elevation is four feet deep and nine feet wide. The south canopy is six feet deep and 21 feet wide	N/A

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Exterior Building Materials</b>		
<b>60.05.15.4.A</b> Residential double wall construction	Commercial Building Proposed	N/A
<b>60.05.15.4.B</b> Maximum 30% of primary elevation to be made of unfinished concrete block	Proposal contains unfinished concrete base of a height of two and a half feet and comprises 3.5% of the total building elevations.	YES
<b>60.05.15.4.C</b> Foundations	The concrete stem wall is no taller than three feet	YES
<b>Roof-Mounted Equipment</b>		
<b>60.05.15.5.A through C</b> Equipment screening	Rooftop units will be screened by parapets	YES w/ COA
<b>Building Location and Orientation along Streets in MU and Com. Districts</b>		
<b>60.05.15.6.A</b> 35% street frontage not along MPR and parcel larger than 60,000 sq ft.	The subject site is not located on an MPR and is larger than 60,000 square feet. Considering the entire site frontage of SW Jenkins Road, approximately 50% of the frontage	YES
<b>60.05.15.6.B</b> 35% street frontage in commercial zones and parcel larger than 60,000 sq ft	The subject site is in a commercial zone and is larger than 60,000 square feet. Considering the entire site frontage of SW Jenkins Road, approximately 50% of the frontage	YES
<b>60.05.15.6.C</b> Setbacks no greater than 20 feet	Revised Building 19 is set back 15 feet.	YES
<b>60.05.15.6.D</b> Corner Lot MPR	Subject site is not no MPR	N/A
<b>60.05.15.6.E</b> Primary Entrance	One primary entrance is located on the north elevation, facing SW Jenkins Road	YES
<b>60.05.15.6.F</b> Secondary Entrance	No secondary entrances are proposed. South facing entrance design to primary entrance standards	YES
<b>Building Scale along Major Pedestrian Routes</b>		
<b>60.05.15.7.A through C</b> 22' Height Minimum 60' Height Maximum	The subject site does not abut a Major Pedestrian Route	N/A
<b>Ground Floor Elevation on Commercial and Multiple Use Buildings</b>		
<b>60.05.15.8.A-B</b> Glazing Requirements 35%	North Elevation: 65.5 % GFE glazing South Elevation: 114.5% GFE glazing East Elevation: 30.6% GFE glazing 62.3% articulation, per 60.05.15.1.B.2 Utilizes public mural for articulation West Elevation: 25.8 % GFE glazing 53.0% articulation, per 60.05.15.1.B.2	YES w/ COA
<b>Compact Detached Housing Design</b>		
<b>60.05.15.9.A-K</b>	Compact Detached Housing is not proposed.	N/A

## Section 60.05.20 Circulation and Parking Design

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Connections to the public street system</b>		
<b>60.05.20.1</b> Connect on-site circulation to existing and planned street system	The development proposes three pedestrian paths connecting SW Jenkins Road to the internal pathways. Staff cites Facilities Review Criterion D for additional findings.	<b>YES w/ COA</b>
<b>Loading Areas, solid waste facilities and similar improvements</b>		
<b>60.05.20.2.A</b> Screen from public view	No new waste storage facilities are proposed. Previously approved trash enclosure is central to the site and is screened by walls with exterior finishes similar to primary structures.	<b>YES</b>
<b>60.05.20.2.B</b> Loading areas shall be screened	No loading areas are proposed. Two are required by code. Applicant is requesting to modify previous loading determination approval. Loading is proposed to be done by small trucks in parking lots interior to the site.	<b>YES w/ COA</b>
<b>60.05.20.2.C</b> Screening with walls, hedge, wood	No new waste storage facilities are proposed. Previously approved trash enclosure is central to the site and is screened by walls with exterior finishes similar to primary structures.	<b>YES</b>
<b>60.05.20.2.D</b> Chain-link screening prohibited	No chain link is proposed for screening.	<b>YES</b>
<b>60.05.20.2.E</b> Screening of loading waived in some zones.	No loading areas are proposed. Two are required by code. Applicant is requesting to modify previous loading determination approval. Loading is proposed to be done by small trucks in parking lots interior to the site.	<b>YES</b>
<b>Pedestrian Circulation</b>		
<b>60.05.20.3.A</b> Link to adjacent facilities	Pedestrian connections to SW Jenkins Road are provided in three locations along the site area under review with this proposal.	<b>YES w/ COA</b>
<b>60.05.20.3.B</b> Direct walkway connection	A primary entrance on the north elevation of Building 19 is located directly adjacent to SW Jenkins Road. A second elevation of the south elevation of Building 19 has direct access to SW Jenkins Road via walkways on the east west sides of Building 19.	<b>YES w/ COA</b>



DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>60.05.20.3.C</b> Walkways every 300'	Three pedestrian walkways providing access into the site are provide along the site area under review with this proposal. The greatest distance between two walkways is 290 feet.	<b>YES</b>
<b>60.05.20.3.D</b> Physical separation	All pedestrian connections are separated from vehicle parking and traffic by curbs.	<b>YES</b>
<b>60.05.20.3.E</b> Distinct paving	Pedestrian pathways are concrete and distinct from the asphalt surface for vehicle parking and maneuvering.	<b>YES</b>
<b>60.05.20.3.F</b> 5' minimum width	All pedestrian walkways are a minimum 5 feet wide.	<b>YES</b>
<b>60.05.20.4.A</b> Perimeter Landscaping	No surface parking abuts a public street	<b>N/A</b>
<b>Parking and Landscaping</b>		
<b>60.05.20.5.A.</b> 1 Landscape island per 10 spaces	No greater than 10 contiguous spaces are proposed.	<b>YES</b>
<b>60.05.20.5.B</b> 70 sq. ft.	All landscape islands are a minimum of 70 square feet and contain a tree and other vegetation.	<b>YES</b>
<b>60.05.20.5.C</b> Raised Sidewalks	Raised sidewalks are not proposed to be counted towards the number of landscape islands.	<b>N/A</b>
<b>60.05.20.5.D</b> Trees from Street Tree List	Applicant proposes black gum trees in the landscape islands	<b>YES</b>
<b>Off-Street Parking Frontages in Multiple-Use Districts</b>		
<b>60.05.20.6.A</b> 50% Max on MPR	Subject Site is in Commercial Zone	<b>N/A</b>
<b>60.05.20.6.B</b> Off-street parking frontages	Subject Site is in Commercial Zone	<b>N/A</b>
<b>Sidewalks Along Streets and Primary Building Elevations in Multiple-Use and Commercial Districts</b>		
<b>60.05.20.7.A</b> Required sidewalk widths	Applicant proposes ten foot sidewalks	<b>YES</b>
<b>60.05.20.7.B</b> Internal Walkways	Walkways serving primary entrances are all 10 feet or wider	<b>YES</b>
<b>60.05.20.7.C</b> Residential Exemptions	Project is not residential	<b>N/A</b>
<b>Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Multiple-Use, and Commercial Districts</b>		
<b>60.05.20.8.A and B</b> Drive aisles to be designed as public streets, if applicable	No private streets are proposed	<b>N/A</b>

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Ground Floor uses in parking structures</b>		
<b>60.05.20.9</b> Parking Structures	No parking structures are proposed.	<b>N/A</b>

### Section 60.05.25 Landscape, Open Space, and Natural Areas Design Standards

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Minimum Landscaping</b>		
<b>60.05.25.5.A</b> Minimum Landscape Area (15%)	Overall project site has 10.4% landscaping, below the minimum standard of 15%. The proposed project adds 10,000 square feet of additional landscaping, raising the total site landscaping percentage to 11.1%. Section 30.40, which addresses non-conforming characteristics of a site, states “change shall be permitted in the direction of conformity with such requirements.” The increase in site landscaping moves the total site in the direction of conformity, and is therefore approvable.	<b>YES</b>
<b>60.05.25.5.B</b> Landscape Requirements	Landscaping required: 38 trees, 76 shrubs Landscaping proposed: 62 trees, 823 shrubs	<b>YES</b>
<b>60.05.25.5.C</b> Hardscaping	Hard surface pedestrian plazas are not used to count toward minimum landscaping	<b>N/A</b>
<b>60.05.25.5.D</b> Foundation Landscaping	The north, west and east elevations have glazing.	<b>YES</b>
<b>60.05.25.6</b> Common Greens	No common greens proposed	<b>N/A</b>
<b>60.05.25.7</b> Shared Courts	No shared courts proposed	<b>N/A</b>
<b>Retaining Walls</b>		
<b>60.05.25.8</b> Retaining Walls	No retaining walls are proposed	<b>N/A</b>
<b>Fences and Walls</b>		
<b>60.05.25.9</b> Fences and Walls	No fences are proposed	<b>YES</b>
<b>Minimize Significant Changes To Existing On-Site Surface Contours At Residential Property Lines</b>		
<b>60.05.25.10.A and B</b> Grading at residential property lines	No abutting residential uses	<b>N/A</b>
<b>Integrate water quality, quantity, or both facilities</b>		
<b>60.05.25.11</b> Water Quality Facilities	Water quality and quantity facilities are vaulted	<b>N/A</b>

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Natural Areas</b>		
<b>60.05.25.12</b> Natural Areas	No natural resource features are on site	<b>N/A</b>
<b>Landscape Buffering Requirements</b>		
<b>60.05.25.13</b> Landscape Buffer	Subject site is zoned CS. All abutting sites are zoned CS. No landscape buffering is required.	<b>N/A</b>

### Section 60.05.30 Lighting Design Standards

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Adequate on-site lighting and minimize glare on adjoining properties</b>		
<b>60.05.30.1.A</b> Lighting complies with the City's Technical Lighting Standards	The applicant provides a lighting plan with photometric details. On-site lighting meets the minimum lighting requirements in most areas but there are minor portions of the vehicle maneuvering area that do not meet minimum lighting standards. As a condition of approval the internal vehicular parking area and pedestrian paths shall be lit to at least a minimum of 0.5 footcandles.	<b>YES w/ COA</b>
<b>60.05.30.1.B</b> Lighting provided for vehicle and pedestrian circulation	Vehicular and pedestrian circulation area lighted by wall, pole, and bollard luminaires. Additional lighting is needed for some minor vehicle maneuvering areas.	<b>YES w/ COA</b>
<b>60.05.30.1.C</b> Lighting of Ped Plazas	The applicant's lighting plan shows plazas lit to the minimum 0.5 footcandles	<b>YES</b>
<b>60.05.30.1.D</b> Lighting of building entrances	The applicant's lighting plan shows lighting at building entrances.	<b>YES</b>
<b>60.05.30.1.E</b> Canopy lighting recessed	Canopy lighting is proposed to be recessed.	<b>YES</b>
<b>Pedestrian-scale on-site lighting</b>		
<b>60.05.30.2.A</b> Pedestrian Lighting	Pole mounted fixtures in vehicle circulation areas are 15' in height	<b>YES</b>
<b>60.05.30.2.B</b> Non-Pole Mounted Lighting	Wall mounted luminaires meet city light standards	<b>YES</b>
<b>60.05.30.2.C</b> Lighted Bollards	Lighted bollards are not proposed	<b>N/A</b>

### **Recommendation**

Based on the facts and findings presented, staff recommend **APPROVAL** of **DR2017-0066 (Cedar Hills Crossing Phases 2 & 3 Bldg 19 Mods)**, subject to the applicable conditions identified in Attachment E.

**LO2017-0001  
ANALYSIS AND FINDINGS FOR  
LOADING DETERMINATION  
MODIFICAION OF DECISION APPROVAL**

**Planning Commission Standards for Approval:**

Section 50.95.6 of the Development Code provides standards to govern the decisions of the Commission as they evaluate and render decisions on Modification of a Decision requests. The Commission will determine whether the application as presented, meets the Modification of a Decision approval criteria. The Commission may choose to adopt, not adopt or modify the Committee's findings. In this portion of the report, staff evaluates the application in accordance with the criteria for Modification of a Decision.

**Section 50.95 Procedures and Approval Criteria**

1. ***An applicant or successor in interest may file with the Director an application to modify a prior decision that was the subject of a Type 1, Type 2 or Type 3 procedure. In addition to other requirements, such an application to modify a prior decision shall describe the nature of the proposed change to the original decision and the basis for that change, including the applicable facts and law, together with the fee prescribed for that application type necessary to modify the prior decision. Such an application to modify a prior decision shall be subject to the approval criteria and development regulations in effect when the Director receives a complete application for the modification.***

The applicant is requesting to remove two conditions of approval for the previously approved Loading Determination application LO2016-0001. The subject conditions reference casefile DR2015-0127, which is being modified through a land use action discussed in Attachment B of this report, and Building 19, of which a revised design is discussed in Attachment C of this report. Due to shifting market conditions, the applicant wishes to reduce the size of Building 19 from 43,858 square feet to approximately 6,000 square feet.

The originally approved design included one loading berth. The size of the total development requires three berths, but the applicant received approval to reduce the number to one berth. The current project redesign eliminates this single loading berth, but also reduces the total building size to require one less berth.

A full analysis of each condition modification can be found under Section 50.95.6 of this report, beginning on page LO-3. To address the revised loading design and code requirements, the applicant has provided updated responses to the Loading Determination approval criteria. Analysis of consistency with applicable approval criteria can be found under section 40.50.15.1.C of this report, beginning on page LO-5.

The conditions of approval requested for removal are listed below. Language requested for removal is identified by strikethrough.

~~COA 1. Ensure that the Design Review Three (DR2015-0127) application has been approved and is consistent with the submitted plans.~~

~~COA 2. Prior to occupancy the applicant shall provide loading zone signage in the loading area west of Building 1 which limit the space to loading only.~~

**Therefore, staff finds that the criterion is met.**

- 2. *An application for modification is subject to pre-application conference and completeness review; provided, the Director shall only require an application for modification to contain information that is relevant or necessary to address the requested change or the facts and regulations on which it is based. An application for modification is not subject to the neighborhood review meeting requirement.***

The applicant participated in a pre-application conference on April 28, 2017.

**Therefore, staff finds that the criterion is met.**

- 3. *An application for modification does not extend the deadline for filing an appeal and does not stay appeal proceedings. An application for modification is subject to the 120 day requirement pursuant to ORS 227.178.***

The approved Loading Determination under modification review has exceeded the ten day appeal period, and the decision is final. No appeal deadline extension is requested. The application for modification was deemed complete on August 10, 2017, and the 120 day requirement requires a final written decision of December 8, 2017.

**Therefore, staff finds that the criterion is met.**

- 4. *Only a decision that approves or conditionally approves an application can be modified. A decision denying an application cannot be modified. Refer to Section 50.99.***

The applicant is requesting to modify a conditionally approved Loading Determination application.

**Therefore, staff finds that the criterion is met.**

5. ***An application for modification shall be subject to a Type 1, Type 2, or Type 3 procedure as determined by the Director.***

The original Loading Determination was bundled with a Design Review 3, and therefore was subject to a Type 3 process. The Director has determined that the modification of this decision shall go through the same Type 3 process.

Therefore, staff finds that the criterion is met.

6. ***The process type for an application to modify a decision shall be based upon the thresholds for the appropriate application listed in Chapter 40. In all cases, regardless of the thresholds listed in Chapter 40, when a proposed modification involves a condition of approval, that condition of approval can be modified or removed only by the same decision making authority that issued the original decision and through the same procedure that was followed to establish the condition to be modified. Modification or removal of a condition of approval shall only be granted if the decision making authority determines any one of the following:***

***A. The applicant or owner has demonstrated that a mistake of law or fact occurred, and that the mistake was substantial enough to warrant modification or removal of the condition to correct the mistake.***

The applicant does not contend that a mistake of law or fact occurred.

Therefore, staff finds the criterion is not applicable.

***B. The condition could not be implemented for reasons beyond the control of the applicant and the modification will not require a significant modification of the original decision.***

The applicant does not contend that the conditions requested for removal could not be implemented for reasons beyond the control of the applicant.

Therefore, staff finds the criterion is not applicable.

***C. The circumstances have changed to the extent that the condition is no longer needed or warranted.***

As discussed above, market conditions have led the applicant to decide to reduce the size of Building 19. The redesign of Building 19 includes the removal of a loading berth. The reduction and redesign of the Building results in some conditions of approval becoming impractical or impossible to implement. In this section, staff will outline each condition under request for removal and provide analysis.



~~COA 2. Prior to occupancy the applicant shall provide loading zone signage in the loading area west of Building 1 which limit the space to loading only.~~

The above condition specifically references a loading berth abutting the west elevation of the original Building 19. The revised Building has a considerably smaller footprint, shifting the west elevation about 250 feet west. The original loading berth was integrated into the westernmost driveway providing site access from SW Jenkins Road. The driveway, which is remaining in the original location, no longer offers a safe, practical opportunity for the integration of a loading berth. The new west elevation is centered along the SW Jenkins frontage, and is no longer a sensible location for a loading berth. As such, this condition of approval is no longer needed, and can be removed as requested.

***D. A new or modified condition would better accomplish the purpose of the original condition.***

~~COA 1. Ensure that the Design Review Three (DR2015-0127) application has been approved and is consistent with the submitted plans.~~

The above condition requires the Loading Determination to remain consistent with casefile DR2015-0127. This casefile is being modified in two ways. Several conditions of approval are modified or removed through DR2017-0065, and a portion of the site is being redesigned through DR2017-0066 (see Attachments B and C of this report, respectively). A new condition of approval acknowledging and incorporating these changes will better accomplish the purpose of this goal. Staff recommends the following condition of approval as a replacement:

“The Loading Determination approval shall be consistent with Design Review Three DR2015-0127, except in cases where casefile DR2015-0127 has been modified by Design Review Approvals DR2017-0065 and DR2017-0066. Where modified, the Loading Determination shall be consistent with casefiles DR2017-0065 and DR2017-0066.”

Staff finds that the above proposed condition of approval better accomplishes the purpose of the original condition.

## **Section 40.50.05 Loading Determination Application; Purpose**

*The purpose of a Loading Determination is to establish mechanism to determine or modify the required number of off-street loading spaces or modify the off-street loading space dimensions in advance of, or concurrent with, applying for approval of an application, development, permit, or other action.*

### **Section 40.50.15.1.C Loading Determination Approval Criteria:**

*In order to approve a Loading Determination application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:*

**1. *The proposal satisfies the threshold requirements for a Loading Determination application.***

The applicant proposes to reduce the number of loading berths required for Phases 2 and three of Cedar Hills Crossing I from two (2) Type B berths to zero (0). The applicant proposes that deliveries to the site will be made using small trucks which can utilize parking spaces and make deliveries to the front doors of businesses. The applicant's request to reduce the number of required loading spaces from two (2) to zero (0) meets Threshold 2 for a Loading Determination application:

*Threshold 2: A request to modify the total number of off-street loading spaces from the required number listed in Section 60.25 (Off-Street Loading) of this code.*

**Therefore, staff finds that the criterion is met.**

**2. *All City application fees related to the application under consideration by the decision making authority have been submitted.***

The applicant paid the required fee associated with a Loading Determination application.

**Therefore, staff finds that the criterion is met.**

**3. *The determination will not create adverse impacts, taking into account the total gross floor area and the hours of operation of the use.***

The applicant states that deliveries to the site will take place in adjacent parking areas during non-peak hours so that loading will not adversely impact patron parking or on-site vehicular circulation. The applicant is not requesting extended hours of operation for the site. Given the small size of the majority of the tenant spaces reasonable loading can be made through regular parking spaces. The utilization of parking spaces for loading reduces the visual impact of multiple loading berths.

Staff concurs that given the unit makeup of the facility, use of standard parking spaces as loading spaces can adequately serve the proposed development without adverse impacts.

**Therefore, staff finds that, by meeting the conditions of approval the criterion is met.**

- 4. *There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the site and in connecting with the surrounding circulation system.***

Staff cite the Facilities Review Criteria F which respond to this criterion in detail. Staff finds that the application provides safe and efficient vehicular and pedestrian circulation patterns.

**Therefore, staff finds that the proposal meets the criterion.**

- 5. *The proposal will be able to reasonably accommodate the off-street loading needs of the structure.***

The applicant states due to the small tenant spaces of the development, smaller delivery trucks will satisfy the loading needs of the site. Standard parking spaces are reasonable to accommodate the needs of the proposed uses. Staff concurs that the proposed loading facilities are adequate to meet the needs of the proposed development.

**Therefore, staff finds that by meeting the conditions of approval the criterion is met.**

- 6. *The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that the improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.***

Staff cite the Facilities Review approval Criterion D which responds to this criterion in detail. Staff finds that the application complies with applicable provisions Chapter 60 or can be made to comply through conditions of approval.

**Therefore, staff finds that the criterion is met.**

7. ***Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities not subject to periodic maintenance by the City or other public agency.***

The applicant states that the site will be maintained as required. Staff finds nothing in the design or layout of the common facilities that would preclude adequate maintenance of the site. Additionally, staff sites Facilities Review criterion E as applicable.

**Therefore, staff finds that the criterion is met.**

8. ***The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.***

The applicant has submitted all documents related to this request for Loading Determination approval. The application was submitted on June 14, 2017 and deemed complete on August 10, 2017.

**Therefore, staff finds that the criterion is met.**

9. ***Applications and documents related to the request, which will require further City approval, shall be submitted to the City in proper sequence.***

The applicant has submitted all documents related to this request for Loading Determination Modification of Decision. A Design Review Three Modification of Decision application and a Design Review Two application are being processed concurrently with the subject request for a Loading Determination Modification of Decision. The Loading Determination Modification of Decision application is dependent upon approval of the Design Review Three Modification of Decision and Design Review Two applications. Staff recommend a condition of approval which states that approval of the Loading Determination Modification of Decision application is subject to approval of the Design Review Three Modification of Decision and Design Review Two applications.

**Therefore, staff finds that by meeting the conditions of approval the criterion is met.**

### **Recommendation**

Based on the facts and findings presented, staff recommend **APPROVAL** of **LO2017-0001 (Cedar Hills Crossing Phases 2 & 3 Building 19 Modifications)**. Should the Planning Commission find that the proposal meets the criteria for approval staff has recommended conditions of approval in Attachment E.

**CONDITIONS OF APPROVAL  
CEDAR HILLS CROSSING PHASES 2 & 3 BUILDING 19 MODS  
DR2017-0065 DR2017-0066 LO2017-0001**

**Note: The majority of the buildings in Phases 2 and 3 of the Cedar Hills Crossing I redevelopment project were approved in 2016 under the following land use approvals: DR2015-0127, LO2016-0001. In 2017, the applicant requested to modify the approvals to eliminate or modify Conditions of Approval 26, 42, 44, 45, and 49 of the Design Review Three approval, and Conditions of Approval 1 and 2 of the Loading Determination. The remainder of the Conditions of Approval remain in effect for the project site covered under those casefiles.**

**DR2017-0065 Cedar Hills Crossing Cedar Hills Crossing Phases 2 & 3 Building 19 Modifications**

1. Ensure that all associated applications, including Design Review Two and Loading Determination Modification of Decision have been approved and are consistent with the submitted plans. (Planning Division/SR)

**DR2017-0066 Cedar Hills Crossing Cedar Hills Crossing Phases 2 & 3 Building 19 Modifications**

**A. Prior to approval of site development permit plan revision, the applicant shall:**

1. Submit plans demonstrating that disabled parking stalls are be provided in accordance with ORS 447.233. (Building/BR)
2. Submit plans demonstrating that an accessible route is provided for persons with disabilities throughout the site. (Section 1104, OSSC) (Building/BR)
3. Submit plans demonstrating that an accessible route is provided for persons with disabilities from the building to a public way. (Section 1104, OSSC) (Building/BR)

**B. Prior to building permit issuance for building 19, the applicant shall:**

4. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
5. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)
6. Submit plans demonstrating that all mechanical units are screened by parapet walls or otherwise not visible from the right of way, consistent with Section 60.05.15.5.

**C. Prior to occupancy permit issuance for building 19, the applicant shall:**

7. Provide proof of mural approval by the Beaverton Arts Commission for the proposed mural on the east elevation of Building 19. If approval is not provided for murals on the spaces identified on plan sheet A200, an area of differentiated materials, which are not brick, must be provided. (Planning / SR)
8. Provide proof or recording of the mural easement, as required by the Arts Commission, and completion of the mural. (Planning / SR)
9. Ensure all site improvements, including grading and landscaping are completed in accordance with plans, except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning / SR)
10. Ensure all construction is completed in accordance with the Materials and Finishes form and Materials Board, except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning / SR)
11. Ensure construction of all buildings, walls, fences and other structures are completed in accordance with the elevations and plans, except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning / SR)
12. Ensure all landscaping approved by the decision making authority is installed. (Planning / SR)
13. Ensure all landscape areas are served by an underground landscape irrigation system. For approved xeriscape (drought-tolerant) landscape designs and for the installation of native or riparian plantings, underground irrigation is not required provided that temporary above-ground irrigation is provided for the establishment period. (Planning / SR)
14. Ensure that the planting of all approved trees, except for street trees or vegetation approved in the public right-of-way, has occurred. Trees shall have a minimum caliper of 1-1/2 inches. Each tree is to be adequately staked. (Planning / SR)
15. Ensure all exterior lighting fixtures are installed and operational. Illumination from light fixtures, except for street lights, shall be limited to no greater than 0.5 foot-candle at the property line as measured in the vertical and horizontal plane. Public view of exterior light sources such as lamps and bulbs, is not permitted from streets and abutting properties at the property line. (Planning / SR)

**LO2017-0001 Cedar Hills Crossing Cedar Hills Crossing Phases 2 & 3 Building 19 Modifications:**

1. The Loading Determination approval shall be consistent with DR2015-0127, except where modified by Design Review Approvals DR2017-0065 and DR2017-0066. (Planning/ SR)